HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.15627 OF 2006

Between:

Betha Venkateswarlu

..... Petitioner

AND

The District Collector-cum-Electoral Officer,
Prakasam District at Ongole & others.

.....Respondents

:: O R D E R::

Counsel for the Petitioner : Shri G.L. Nageswara Rao

Counsel for Respondent No.1 : Shri V.V. Prabhakar Rao

Counsel for Respondent Nos. 2 to 4 : Government Pleader for Panchayat Raj

Dated: 10.08.2006

Per G.S.SINGHVI, CJ

In this petition, the petitioner, who is a former member of Mandal Parishad Territorial Constituency of Nagarajukunta, Konikanamitla Mandal, Prakasam District, has prayed for issue of a mandamus to the Electoral Registration Officer to consider his objections and delete the names of voters whose names were found in different constituencies.

In paragraph 4 of the affidavit filed by him, the petitioner has given the details of several persons whose names are said to be included in more than one constituency and has averred that despite the objections filed by him, the Electoral Registration Officer did not pass appropriate order for deleting the names of ineligible persons from the voters' list of Mangapuram Village, Konikinamitla Mandal.

At the hearing, learned counsel for the petitioner fairly admitted that election to Mangapuram Gram Panchayat has already been held. He submitted that the Court may still direct the Electoral Registration Officer to decide the objections filed by him.

We have considered the submissions of the learned counsel. Insofar as the petitioner's prayer for grant of a declaration in the matter of deletion of names from voters' list is concerned, the same cannot be accepted because none of the persons whose name are sought to be deleted has been impleaded as party to the writ petition. However, we find substance in his grievance that the Electoral Registration Officer has failed to decide the objections filed by him and, therefore, a direction should be given for disposal of the objections.

In the premise aforesaid, we deem it proper to dispose of the writ petition by directing the Electoral Registration Officer to

deal with and dispose of the objections filed by the petitioner within a period of one month from the date of submission of certified copy of this order. Ordered accordingly.

Needless to say that before ordering deletion of the name of any person from the voters' list of Mangapuram Village, the Electoral Registration Officer will have to give notice and opportunity of hearing to the person concerned.

As a sequel to disposal of the writ petition, W.P.M.P.No.19461 of 2006 filed by the petitioner for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY, J

10.08.2006
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